

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOHN R. VAN ORDEN,)	
)	
Plaintiff,)	
)	
v.)	No. 4:07-CV-940-ERW
)	
ALLAN BLAKE, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court sua sponte. By prior order, this Court granted plaintiff's motion for leave to proceed in forma pauperis. Additionally, the Court directed the Clerk to issue process upon the complaint to the defendants Blake and Miller. Further review of the complaint indicates that in the caption of the complaint, plaintiff named Allen Blake and Clayton Miller as defendants in this action. The body of the complaint, however, makes allegations only against Allen Blake and Sandy Fenwick. The complaint contains no allegations against Clayton Miller. Accordingly, process should issue against Sandy Fenwick, not Clayton Miller. Plaintiff's claims against defendant Clayton Miller should be dismissed. See Madewell v. Roberts, 909 F.2d 1203, 1208 (8th Cir. 1990)(liability under § 1983 requires a causal link to, and direct responsibility for, the alleged deprivation of rights); see also Martin v. Sargent, 780 F.2d 1334, 1338 (8th Cir. 1985) (claim not cognizable under § 1983 where plaintiff fails to allege defendant was personally involved in or directly responsible for incidents that injured plaintiff).

Therefore,

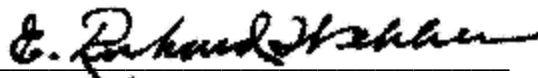
IT IS HEREBY ORDERED that the Clerk shall docket this case as: John Van Orden v. Allen Blake, Clayton Miller, and Sandy Fenwick, No. 4:07-CV-940-ERW (E.D. Mo.).

IT IS FURTHER ORDERED that the Clerk shall issue process or cause process to be issued upon the complaint to defendant Fenwick.

IT IS FURTHER ORDERED that the Clerk shall not issue process or cause process to be issued upon the complaint to defendant Miller. See 28 U.S.C. § 1915(e)(2)(B).

A separate order shall accompany this memorandum and order.

So Ordered this 19th Day of September, 2007.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE